

## CAFO Draft Permit

7:35 p.m. November 22, 2005

Public Hearing @ Cowlitz County Public Utilities District Auditorium  
961 12<sup>th</sup> Ave, Longview, WA

Primary purpose of this hearing is to receive public comments regarding proposed concentrated animal feeding operating general permit. The following actions took place October 19, 2005. The legal notice of this hearing was published in the WA state register issue number 05-50-109. A copy of the draft permit fact sheet and public hearing information were posted on the ecology CAFO web page. All conservation districts were directly notified of the draft permit hearing as well as public notices being directly mailed to 1,100 interested parties and are people who either currently have permit coverage or have had permit coverage within the last 5 years. Earlier this month a notice was mailed to an additional 70 existing dairy permit holders. Ecology also mailed out information to 2500 interested parties on the USDA mailing list.

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### Comments:

Reiterate the same concerns of Mr. Hayes addressed on page 7. S.1 Effluent limitations S.1.C, Transfer of Manure. Concerned that public records may be, if that information kept and retained, that may be available through a public records and recipient name and addresses is really confidential business information and it's possible that's covered under the OPR exemption that we got passed at the end of the last session, but just wanted to express some concerns on that.

Next is actually some suggested language to clarify under S.2. Permit Coverage B sub c Individual Permit Coverage page 9, first sentence. "Individual permit coverage the department may require any CAFO to apply for and obtain individual permit or apply for and obtain coverage under another more specific general permit." I think clarifying language in the form of something like in. "The Department may require any CAFO to apply for and obtain an individual permit, in lieu of this General permit," would be a bit more clarity that what your trying to get at is the department may require an individual permit in lieu of this general permit that we are currently discussing today.

Page 12, D subsection d Nutrient Management Plan Update sub 2

"CAFO must develop and implement an updated nutrient management plan if: the CAFO reduces or changes the field area specified in the nutrient management plan used for land application." I have some concerns about the scope of development and implemented an updated nutrient management plan. Does it mean that it's got to be developed and updated and go through an open public process again? How extensive are those, especially for something as minor as renting a field or changing field application areas and that clarification may be in the fact sheet. I did not see where that was

Environmental Monitoring. I think Chuck brought this up but it's sub C and I don't think he clarified that. It's on page 15, starts at c Environmental Monitoring. It says "1. Large CAFO's must use environmental monitoring to demonstrate..." yadayadayada. Number 2, Soil Monitoring for large CAFO's sub 3 is under that heading is "A large CAFO may choose to use ground water monitoring." It looks to me like under that heading of C Environmental Monitoring, what's labeled as number 1 is actually a description that you must, as chuck said it, you must do something. And that you have two options and so it looks like instead of it being numbered 1, 2, 3 it should be actually Environmental Monitoring, Description and then Soil Monitoring for large CAFO's, instead of being labeled 2 should be 1 and 3 should be 2. And there is a patently obviously typo that has been pointed out to department staff but because this is an official record I will delightfully point out that, S7 Termination of Coverage A.1. "A facility that did not have a discharge or was not designated a CAFO request permit termination and, to the facility a ceased operations and three, the permittee has demonstrated to the satisfaction to the department no remaining potential to discharge and there are no outstanding fees or penalties." It looks like that should be an or and I think that was a typo and I think the staff saw that and can't officially say yes or no until they've heard all the comments, but my comments are I think they are supposed to be ors because it doesn't look like you can get out of it. Die and still stuck with the permit. And I know the department needs money, but ya know, come on. On page 20, first sentence it looks like is C, is very unclear. The general category is G12 General Permit Modification and Revocation. "Permit may be modified or revoked reissued or terminated in accordance with provisions of chapter 173/226." Then it says C, "When water quality management plan containing requirements applicable to CAFO is approved," and I suspect that may be like a regional water quality management plan such as a TMDL, but was very unclear to me what that means and so again don't know if that is in the fact sheet, but it seemed very vague as to what that means. And that is the extent of my comments other than I too also believe it's a pretty good permit, I think it's been a long time, we've all worked on this until we want to puke, it's time to move on and do something else.

Hearing adjourned at 7:47 p.m.